

REMARKS

Claims 1-8 and 18 are previously cancelled. Claims 9-17 and 19-20 are pending in the present application. Independent claim 9 is amended herein. Applicant submits that no new matter is added by the present amendment.

Rejections under 35 U.S.C. § 102

The Examiner rejected claim 9 under 35 U.S.C. 102(e) over U.S. Patent No. 5,910,782 to Schmitt et al. (hereinafter "Schmitt"). In the Advisory Action dated June 26, 2003, the Examiner stated that "Applicant argues that Schmitt et al. does not anticipate integrating parking space availability data with map data at a central processor. That limitation is vividly shown in figure 1, col. 2, lines 47-59 and col. 3, lines 36-47.)" Applicant respectfully disagrees with the Examiner on this point.

In particular, figure 1, of Schmitt shows two computers: a "computer 26" and an "on-board navigation computer 31". The "computer 26" can be compared to the "central processor" of the present invention. The "on-board navigation computer 31" has no corresponding element in the present invention. Applicant respectfully submits that even if Schmitt combines map data with space availability data, that combination is performed in the on-board navigation computer 31, not at the computer 26 or analogously at a central processor as claimed in the present invention. This is an important distinction because the present invention as claimed does not require any on-board navigation computer at all. For example, one of the advantages of the present invention allows home computer users to view maps indicating parking data. These home computer users do not need or have any on-board navigation computer that is capable of combining map data with parking data. In the present invention, all of the processing to combine the map data to the space availability data is performed, at the central processor, i.e. as a web server application.

The relevant section of Schmitt recites:

“After the parking information lookup is completed, the information is transmitted by the central site computer 26 in a parking space availability message 40 to the vehicle 30 which requested the information. The transmission of the message 40 includes the ID of the requester as well as the area parking availability information. It is also possible to have the central site 25 transmit parking information for "all" areas in which the central site 25 maintains parking availability information, and to broadcast such information at constant intervals to all vehicles 30 in its area capable of processing it (i.e., those vehicles that comprise an on-board navigation computer 31).

Upon receiving the parking space availability message 40 from the central site 25, the vehicle 30 **on-board computer 31** will process the information and display it to the requester, via for example user-friendly maps (51, 52--FIG. 5) viewable on monitor 32. Display of a specific area's parking information will be based upon the map location currently being viewed.” (Col. 3, lines 28-54) Emphasis added.

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Applicant submits that Schmitt can be further understood by referring to the preferred embodiment describe in col. 4, lines 12-19 which recites:

“In the preferred embodiment, a central site 25 is utilized to transmit parking space availability information to vehicles equipped with the appropriate parking space finder navigation equipment. It is envisioned, however, that meter status information (for at least limited coverage areas--several street blocks only) may be communicated directly to vehicles 30 equipped with an on-board navigation computer 31, without use of a central site agent.”

Here it can be seen that the central cite is not an essential element of Schmitt because Schmitt can operate with just the special purpose on-board computer which must do the processing. Clearly such a special purpose on-board computer is an end user device and does not anticipate transmitting updated graphical map data structures to a network.

Independent claim 9 is amended herein to change the term “processor system” to “central processor” to more clearly indicate that the central “processor system” as claimed in the present

invention does not include (in a broader interpretation of "system") an on-board navigation computer or any such end user device.

Since Schmitt does not anticipate each element of independent claims 9 or 17, Applicant respectfully submits that the Examiner's rejections of claims 9 and 17 under 35 U.S.C. 102 should be withdrawn. Accordingly, Applicant respectfully request the Examiner to withdraw the rejections of independent claim 9 and claims 10-16 which ultimately depend therefrom and independent claim 17 and claims 19 and 20 which ultimately depend therefrom.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 11, 13-15, 17, and 19-20 under 35 U.S.C. 103(a) Schmitt. Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. §103(a).

For the reasons set forth hereinbefore with respect to claims 9 and 17, and in the paper filed on May 21, 2003 by the Applicant, Applicant respectfully submits that Schmitt alone or Schmitt combined with knowledge of persons having ordinary skill in the art does not teach or suggest each element of claims 9 and 17 from which each of the rejected claims depend.

"In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on Applicant's disclosure." MPEP 2142 citing In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Since neither Schmitt taken alone or when combined with knowledge of persons having ordinary skill in the art teach or suggest each of the steps of claims 11, 13-15, 17, and 19-20 in the present application, Applicant respectfully submits that the Examiner has not made out a *prima facie* case of obviousness under 35 U.S.C. 103(a). Accordingly, Applicant submits that

the Examiner's rejections of claims 11, 13-15, 17, and 19-20 under 35 U.S.C. 103(a) are improper and should be withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application.

The five month period for response to the Final Office Action expired on June 14, 2003. Please treat this paper as a petition to extend the time by one month. A check for a two month extension fee is enclosed herewith. Please charge any deficiency as well as any other fees which may become due at any time during the pendency of this application, or credit any overpayment of such fees to deposit account No. 50-0369. Also, in the event any additional extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge deposit account No. 50-0369 therefore.

Respectfully submitted,

July 10, 2003
Dated: _____

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